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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,928	10/28/2003	Pablo R. Rodriguez	304931.01	7025
22971	7590	03/07/2007		
MICROSOFT CORPORATION ONE MICROSOFT WAY REDMOND, WA 98052-6399			EXAMINER LIN, KELVIN Y	
			ART UNIT	PAPER NUMBER
			2142	

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	03/07/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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**Office Action Summary**

Application No.

10/695,928

Applicant(s)

RODRIGUEZ, PABLO R.

Examiner

Kelvin Lin

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 10-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **Detailed Action**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-24 have been considered but they are not persuasive for the following reasons:
2. Applicant is arguing:
  - 1) Nelson fails to teach or suggest "determining a number of object in the resource and the size of each object" as required by claim 1.
  - 2) Nelson fails to teach or suggest " at least one object in the resource being assigned a different available wireless network interface than another object in the same resource" , at the newly amendment claim 10.
  - 3) Claim 23 that has the same arguments as claim 10.

As point 1), where the applicant argues that Nelson fails to teach or suggest determining the number of objects in the resource and the size of each object, it has been considered but is not persuasive. At paragraph [0030], and [0041], Nelson discloses the bearer service unit (resource) can accept two different data bandwidth, and the bearer service includes the voice and data unit (objects) in two different links (interface) and it determines which bandwidth (size) to be used. Therefore, Nelson teaches "determining a number of object in the resource and the size of each object".

As to point 2), where the applicant argues that Nelson does not indicate that a resource having a plurality of objects have at least one object ....” as recited in claim 10, it has been considered but is not persuasive. At fig.1, and fig. 3, Nelson teaches that a resource ACU unit responsible for assigning a different wireless interfaces (CTU/PBI ) than another object (PPP/BRI) in the resource ACU (see fig.3, element 350, and ppp link) transmits to ground station via air frames. Therefore, Nelson does teach at least one object in the resource being assigned a different available wireless network interface than another object in the same resource.

However, in response to applicant's arguments, the Applicant recites the language of “Further, Nelson does not indicate that a **resource having a plurality of objects** have at least one object ..... ” is not read on newly amended claim 10. Therefore, it is noted that the features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

As to point 3), claim 23 is rejected for the same reason as discussed at point 1 and 2,

***Claim Rejections - 35 USC § 102***

Art Unit: 2142

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 10-35 are rejected under 35 USC 102(e) as being anticipated by Nelson et al., (USPG PUB. 2003/0055975).

3. Regarding claim 10, Nelson discloses a method for retrieving a resource from a remote computer using a plurality of wireless network interfaces (Nelson, fig. 1, [0007], I.8-12, [0030], in which it including wireless data network: wireless data packet networks, satellite data networks), comprising: receiving, from a computing device, a request for the resource (Nelson, [0093], fig. 8), wherein the resource comprises a plurality of objects (Nelson, [0055]); terminating the received request (Nelson, [0052], I.9-15); determining a number of available wireless network interfaces (Nelson, [0030], I.3-12, [0045] ); determining a number of objects in the resource and the size of each object (Nelson,[0054], [0058]); assigning each object to at least one available wireless network interface (Nelson, [0054], [0058]); at least one object in the resource being assigned a different available wireless network interface than another object in the same resource (Nelson, fig. 1, and 3); and transmitting a request for the resource,

wherein the request specifies the specific wireless network interface assigned to an object (Nelson,[0051],[0063]).

4. Regarding claim 11, Nelson discloses the method of claim 10, wherein receiving a request for the resource comprises receiving a request from a computing device over a local communication network (Nelson, [0083]).

5. Regarding claim 12, Nelson discloses the method of claim 10, wherein determining a number of available wireless network interfaces comprises monitoring one or more characteristics of a wireless network interface (Nelson, [0076]) .

6. Regarding claim 13, Nelson discloses the method of claim 10, wherein determining a number of available wireless network interfaces comprises monitoring one or more characteristics of a wireless network interface, wherein the signal characteristic is selected from the group of signal characteristics consisting of: signal-to-noise ratio, available bandwidth, congestion, signal strength, connection cost, and bit error rate (Nelson, [0076]).

7. Regarding claim 14, Nelson discloses the method of claim 10, wherein determining a number of available wireless network interfaces comprises monitoring one or more characteristics of a wireless network interface stored in a data table in memory (Nelson, [0079]).

8. Regarding claim 15, Nelson discloses the method of claim 10, wherein determining a number of available wireless network interfaces comprises querying the wireless interfaces (Nelson, [0083]).
9. Regarding claim 16, Nelson discloses the method of claim 10, wherein determining a number of objects in the resource and the size of each object comprises querying the remote computer (Nelson, [0083]).
10. Regarding claim 17, Nelson discloses the method of claim 10, wherein assigning each object to a specific wireless network interface comprises assigning an object to two or more wireless network interfaces if the size of the object exceeds a threshold (Nelson, [0047], [0048], [0049]).
11. Regarding claim 18, Nelson discloses the method of claim 10, wherein assigning each object to at least one available wireless network interface comprises assigning an object to two or more available wireless network interfaces if the size of the object exceeds a threshold, wherein the threshold is a function of the bandwidth of available wireless network interfaces (Nelson, [0047], [0048], [0049], fig. 3).
12. Regarding claim 19, Nelson discloses the method of claim 10, wherein assigning each object to at least one available wireless network interface comprises assigning an

object to two or more available wireless network interfaces if the size of the object exceeds a threshold, wherein the threshold is a function of the size of an object relative to the size of other objects in the resource (Nelson,[0053], [0054], fig. 3).

13. Regarding claim 20, Nelson discloses the method of claim 10, further comprising: receiving objects over the plurality of assigned wireless network interfaces; and collating the received objects to construct the resource (Nelson, [0054], expert Group (MPEG-2) system, can be used to multiplex any digital signals with digitized video signals, including any packet data).

14. Regarding claim 21, Nelson discloses the method of claim 10, further comprising: transmitting the resource to the computing device that originated the request (Nelson, [0038]).

15. Regarding claim 22, Nelson discloses a computer-readable medium having computer-executable instructions for performing the method recited in claim 10 (Nelson, [0091]).

16. Regarding claim 23, Nelson discloses an apparatus, comprising:  
at least one local communication network interface for receiving a request for a resource, wherein the resource comprises a plurality of objects; (Nelson, [0083], the GDG receives the user request and initiate a  
connection to the desired destination party, and fig. 3);  
a plurality of wireless network interfaces for transmitting resource request over



wireless communication connections (Nelson, fig. 1, element 110, [0030]);  
a memory module (Nelson, [0079], GDG stores the database tables, memory module, to perform the mobility handling);  
a processor executing logic instructions that configure the processor to:  
terminate the received request (Nelson, [0052], CPE terminates the frame relay service);  
determining a number of available wireless network interfaces (Nelson, [0030], I.1-12, fig. 1, element 180 );  
determining a number of objects in the resource and the size of each object (Nelson,[0054], DBS system);  
assigning each object to a specific wireless network interface (Nelson, [0054], DBS system), at least one object in the resource being assigned a different available wireless network interface than another object in the same resource (Nelson, fig. 1, and 3);.

17. Regarding claim 24, Nelson discloses the apparatus of claim 23, wherein the at least one local communication network interface comprises a wireless network interface (Nelson, [0083], the GDG) .

18. Regarding claim 25, Nelson discloses the apparatus of claim 23, wherein the plurality of wireless network interfaces comprises a first network interface for a first wireless network service provider and a second wireless network interface for a second wireless network service provider (Nelson, Fig. 1, element 200-210).

19. Regarding claim 26, Nelson discloses the apparatus of claim 23, wherein the processor polls the wireless network interface to determine characteristics of the communication connections managed by the wireless network interface (Nelson, [0034], the data server include a plurality of interface unit for interconnecting to various data network).

20. Regarding claim 27, Nelson discloses the apparatus of claim 23, wherein the processor polls the wireless network on a periodic basis to determine characteristics of the communication connection managed by the wireless network interfaces (Nelson, [0082]).

21. Claim 28 has similar limitation as claims 27. Therefore, claim 28 are rejected for the same reason set forth in the rejection of claims 27.

22. Regarding claim 29, Nelson discloses the apparatus of claim 23, wherein the processor assigns objects to wireless network interfaces according to an algorithm that maximize bandwidth (Nelson, [0035]).

23. Claim 30 has similar limitation as claims 29. Therefore, claim 30 are rejected for the same reason set forth in the rejection of claims 29.

24. Claims 31-32, have similar limitation as claims 29-30. Therefore, claims 31-32 are rejected for the same reason set forth in the rejection of claims 29-30.

25. Claims 33-35, have similar limitation as claims 23-24. Therefore, claims 33-35 are rejected for the same reason set forth in the rejection of claims 23-24.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first replay is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE MONTH** shortened statutory period, then the shortened statutory period will expire on the date advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTH** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelvin Lin whose telephone number is 571-272-3898. The examiner can normally be reached on Flexible 4/9/5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2142

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

2/23/07  
KYL

A handwritten signature in black ink, appearing to read "Andrew Caldwell", with a large, stylized flourish at the end.

ANDREW CALDWELL  
SUPERVISORY PATENT EXAMINER